

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DAVID JOHNSON,  
Plaintiff,

v.

THE CITY OF DENTON FIRE  
DEPARTMENT, ET AL.  
Defendants.

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CASE NO. 4:07cv449

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On December 30, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants the City of Denton Fire Department and the City of Denton, Texas' Motion for Summary Judgment (Dkt. 31) be GRANTED.

The Court, having made a *de novo* review of the objections raised by Plaintiff as well as Defendants' response to those objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendants the City of Denton Fire Department and the City of Denton, Texas' Motion for Summary Judgment (Dkt. 31) is GRANTED, Plaintiff shall take nothing by his claims here, and his claims shall be dismissed with prejudice.

**IT IS SO ORDERED.**

**SIGNED this 30th day of January, 2009.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE